

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Robenson Jean-Pierre, Jean Metelus, Bill
McKee and Michael Gary Fauntleroy, on behalf
of themselves and all others similarly situated,

Plaintiffs

Docket No. 1:18-cv-11499-MLW

v.

J&L CABLE TV SERVICES, INC.,

Defendant.

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY
APPROVAL OF CLASS AND COLLECTIVE ACTION SETTLEMENT**

Plaintiffs Robenson Jean-Pierre, Jean Metelus, Bill McKee, and Michael Gary Fauntleroy (“Plaintiffs”) hereby move the Court for preliminary approval of the Class and Collective Action Settlement Agreement (attached hereto as **Exhibit 1**) pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3) and 29 U.S.C. § 216(b). In particular, Plaintiffs move for orders:

- (1) Granting preliminary approval of the Settlement as to the Massachusetts, Maine, New Hampshire, and Pennsylvania Classes (“State Law Classes” or “Classes”), pursuant to Fed. R. Civ. P. 23(e);
- (2) Preliminarily certifying the State Law Classes for settlement purposes pursuant to Fed. R. Civ. P. 23(a) and (b)(3);
- (3) Granting approval of the Settlement as to the Collective as a fair and reasonable resolution of a *bona fide* dispute, pursuant to 29 U.S.C. § 216(b);
- (4) Approving the proposed schedule and procedure for completing the final approval process for the Settlement, including setting the Final Approval Hearing;

- (5) Approving the Notice of Settlement to be sent to Settlement Classes and Collective Members (attached as **Exhibit A** to the Settlement);
- (6) Preliminarily appointing and approving Schneider Wallace Cottrell Konecky LLP and Berger Montague PC as Co-Lead Counsel for the Classes and Collective;
- (7) Preliminarily approving the process for approval of Class Counsel's request for attorneys' fees and costs;
- (8) Preliminarily appointing and approving Plaintiffs Jean-Pierre, Metelus, McKee, and Fauntleroy as Class Representatives for the respective State Law Classes and of the Collective;
- (9) Preliminarily appointing and approving Angeion as the Settlement Administrator for the State Law Classes and the Collective; and
- (10) Authorizing the Settlement Administrator to mail the approved Notice of Settlement to the Classes and the Collective pursuant to the plan identified in the Settlement.

Plaintiffs bring this Motion pursuant to Federal Rule of Civil Procedure 23(e) and long-established precedent requiring Court approval for Fair Labor Standards Act settlements.¹ The Motion is based on the following Memorandum of Points and Authorities, the Declaration of Sarah R. Schalman-Bergen, the Declaration of Carolyn Hunt Cottrell, and all other records, pleadings, and papers on file in this action and such other evidence or argument as may be presented to the Court at the hearing on this Motion. Defendant does not oppose this Motion.

Plaintiffs also submit a Proposed Order Granting Plaintiffs' Unopposed Motion for Preliminary Approval with this Motion.

¹ See, e.g., *Lynn's Food Stores, Inc. v. United States*, 679 F. 2d 1350, 1352-53 (11th Cir. 1982).

Dated: October 14, 2020

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 14, 2020, a copy of this document was served by electronic filing on all counsel of record.

/s/ Shoshana Savett
Shoshana Savett